

## **ZONING BOARD OF APPEALS MEETING MINUTES**

**JULY 10, 2006**

**PRESENT:** Mary Cardin, Kenneth Braga, William Harford, Robert Palozej and Alternates Robert Wambolt and Ronald Stomberg

**ABSENT:** Mark Spurling, Aaron Rossow and Alternate Joseph Snyder

### **STAFF**

**PRESENT:** Lisa Houlihan, ZEO and Kristin Michaud, Recording Secretary

### **I. CALL TO ORDER:**

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:05 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

### **II. PUBLIC COMMENTS: NONE**

### **III. PUBLIC HEARINGS:**

1. #V200608—John & Jean Rourke for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements & Section 5.3g(1)(a)—Additional Yard Requirements: for a front yard setback (Route 30) from 60' to 2' for a 22' x 12' detached garage; for a front yard setback (West Shore Road) from 35' to 0.5' for a 22' x 12' detached garage; a front yard setback (Route 30) from 60' to 38' for a 10' x 6' addition; a front yard setback (West Shore Road) from 35' to 7.5' for a 10' x 6' addition; a front yard setback (Route 30) from 60' to 51.5' for a 4' x 11' addition; a front yard setback (West Shore Road) from 35' to 15' for a 4' x 11' addition; a rear yard setback from 10' to 6.5' for a deck staircase; and to increase building coverage to 21.2% on property located at 139 West Shore Road, APN 169-013-0000 in a LR Zone.

**TIME:** 7:06 p.m.

**SEATED:** M. Cardin, K. Braga, B. Wambolt, W. Harford, R. Stomberg

Ms. Houlihan read the definition of hardship from "What's Legally Required."

The commissioners discussed the application among themselves. The main concern was the garage and that it encroached too far into the setbacks.

**MOVED (BRAGA), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE #V200608—JOHN & JEAN ROURKE.**

**HARDSHIP: EXISTING STRUCTURE IS ALREADY THERE THEY ARE NOT ENCROACHING TOWARD THE LAKE.**

**MOTION WITHDRAWN.**

**MOVED (BRAGA), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE A FRONT YARD SETBACK (ROUTE 30) FROM 60' TO 38' FOR A 10' X 6' ADDITION; A FRONT YARD SETBACK (WEST SHORE ROAD) FROM 35' TO 7.5' FOR A 10' X 6' ADDITION; A FRONT YARD SETBACK (ROUTE 30) FROM 60' TO 51.5' FOR A 4' X 11' ADDITION; A FRONT YARD SETBACK (WEST SHORE ROAD) FROM 35' TO 15' FOR A 4' X 11' ADDITION; A REAR YARD SETBACK FROM 10' TO 6.5' FOR A DECK STAIRCASE ON PROPERTY LOCATED AT 139 WEST SHORE ROAD, APN 169-013-0000 IN AN LR ZONE #V200608—JOHN & JEAN ROURKE.**

**HARDSHIP: CONFIGURATION OF EXISTING FOOTPRINT OF STRUCTURE.**

**MOVED (BRAGA), SECONDED (WAMBOLT) TO APPROVE (W. HARFORD, K. BRAGA, B. WAMBOLT, M. CARDIN – NAYS)(R. STROMBERG – AYE) SECTIONS 5.2 AREA & YARD REQUIREMENTS & SECTION 5.3G (1)(a) – ADDITIONAL YARD REQUIREMENTS: FOR A FRONT YARD SETBACK (ROUTE 30) FROM 60' TO 2' FOR A 22' X 12' DETACHED GARAGE; FOR A FRONT YARD SETBACK (WEST SHORE ROAD) FROM 35' TO 0.5' FOR A 22' X 12' DETACHED GARAGE AND BUILDING COVERAGE FROM 20% TO 21.2 % ON PROPERTY LOCATED AT 139 WEST SHORE ROAD APN 169-013-0000 IN AN LR ZONE #V200608 – JOHN & JEAN ROURKE. MOTION TO APPROVE FAILED, VARIANCE DENIED.**

2. #V200610—William Keohane for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for a front yard setback from 35' to 26'; side yard setbacks (north & south) from 10' to 0'; rear yard setback from 10' to 5.5'; and to increase building coverage to 31% for an addition including decks on property located at 42 Aborn Road, APN 149-091-0000 in an A Zone.

**MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO GRANT AN EXTENSION AND TO CONTINUE THE PUBLIC HEARING FOR #V200610—WILLIAM KEOHANE TO THE AUGUST 7, 2006 MEETING PER THE APPLICANT'S REQUEST.**

3. #V200612—Bruce & Deborah Gordon for a variance to the Ellington Zoning Regulations, Section 7.4a(2)--Trailers: to allow a 32' camp trailer to be stored outdoors (maximum allowed 20') on property located at 8 Highland Oak Drive, APN 129-088-0065 in an A Zone.

**TIME:** 7:25 p.m.

**SEATED:** K. Braga, M. Cardin, B. Wambolt, W. Harford, R. Stromberg, R. Palozej

Bruce & Deborah Gordon came forward and read their letter dated 12/28/05.

Ms. Houlihan stated that there was no misrepresentation by Ms. Goodreau and that this application started with a violation notice that she issued. Ms. Houlihan stated that she is aware that there are many trailers in town that do not meet the length requirement. Staff is helping her to review other towns' regulations in regards to trailer length. She will be proposing an amendment to the regulations to address the length provision in the trailer section of the regulations.

Mr. Gordon stated that he tried to do everything to make his neighbors happy. The Gordons entered pictures into the record and reviewed them with the commission.

Chairman Cardin reviewed the regulations regarding trailers. She stated that property owners need to know the regulations governing their property.

Several members of the public spoke for and against this application. Those members were Doug & Sharon Penhall, Ninnette Barile, Mike Fishman, Mark Knudson and Mike Malone. Mr. Penhall feels he is the most directly effected by this trailer. He brought in pictures and reviewed them with the commission. He explained that he has had several discussions with the Gordons and that if approved, landscaping should be required.

Chairman Cardin read a letter from Erin Penhall and a letter from Marsha & Dennis Meegan, 11 Highland Oak Drive, dated June 29, 2006.

**MOVED (BRAGA), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200612—BRUCE & DEBORAH GORDON.**

**MOVED (BRAGA), SECONDED (CARDIN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #V200612— BRUCE & DEBORAH GORDON.**

**CONDITION: TO OBTAIN A ZONING PERMIT TO SHIELD THE CAMP TRAILER FROM ALL NEIGHBORING PROPERTIES WITHIN TWO MONTHS.**

**HARDSHIP: INCOMPLETE INFORMATION RECEIVED REGARDING ZONING REQUIREMENTS PRIOR TO LOT PURCHASE; ADDITIONAL REQUIREMENTS BECAUSE PROPERTY IS A CORNER LOT AND VISIBLE BY ALL NEIGHBORS.**

4. #V200613—Daniel Eckels for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements & Section 5.3g1(c)—Additional Yard Requirements: for a front yard setback from 50' to 29' for a front porch and from 50' to 37' for a second floor addition on property located at 57 Shenipsit Street, APN 021-036-0000 in an A Zone.

**TIME:** 8:20 p.m.

**SEATED:** K. Braga, M. Cardin, B. Wambolt, W. Harford, R. Stomberg, R. Palozej

Attorney David Barry came forward for the applicant. The proposal is for a second story and a wrap around porch to the existing house. He stated that this family has owned the land for 80 years and the house for 60 years.

Chairman Cardin read a letter dated July 10, 2006 signed by six neighbors in support of this application.

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200613—DANIEL ECKELS.**

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE #V200613—DANIEL ECKELS.**

**HARDSHIP: LOT CONFIGURATION AND EXISTING FOOTPRINT OF HOME AND REGULATIONS CHANGE IN INCREASING FRONT YARD SETBACK REQUIREMENTS.**

5. #V200614—Rodger & Susan Hosig for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for a front yard setback from 35' to 4', for a side yard setback from 10' to 3' and building coverage from 20% to 31.6% for construction of a house on property located at 4 Lake Lane, APN 149-056-0000 in a LR Zone.

**TIME:** 8:30 p.m.

**SEATED:** K. Braga, M. Cardin, B. Wambolt, W. Harford, R. Stomberg, R. Palozej

Tim Coon, J.R. Russo & Associates, came forward for the applicant. The proposal is to demolish the existing house and garage and construct a larger home and garage. The current building coverage is 23.1%.

Commissioner Wambolt stated that the lake lots are small because they were for seasonal cottages and normal size residences create many zoning issues.

Roger Hosig explained that the land was given to them from their aunt and they have owned the property for a while. They would like to go from a single story cottage to a two story cape.

Mr. Coon explained the increase in building footprint area is 590 square feet and is only increases building coverage by 8 ½ %.

Mr. Lukasiewski, 2 Lake Lane, would like to see a wall put up to take drainage away from his property. Mr. Coon responded that there will be an outlet pipe to the lake.

Chairman Cardin questioned if they considered a smaller footprint for the house.

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #V200614—RODGER & SUSAN HOSIG.**

6. #V200615—Rick & Daryl DeCarli for a variance to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for building height from 38' to 57' for an indoor riding arena on property located on Sadds Mill Road, APN 100-008-0000 in I & RA Zones.

**TIME:** 9:00 p.m.

**SEATED:** K. Braga, M. Cardin, B. Wambolt, W. Harford, R. Stomberg, R. Palozej

Tim Coon, J.R. Russo & Associates, reviewed the application with the commission. He explained that there will be two new barns and an indoor riding arena on the 127 acres property owned by the DeCarli Revocable Trust. The arena will be a coverall building and the building height is 57' high, which does not comply with the 38' requirement in the zoning regulations.

Mr. Coon submitted elevation plans that showed the view of the parcel and building from the road. The building will be located 500' from the street and only 28 ½' of the building will be seen. He also explained that the town's firefighters would only have a 1 story blaze to put out if ever there were a fire in the building.

Chairman Cardin asked if the Town would be held liable if there was a fire. Jim Albinger, Coverall Building Systems, came forward and explained that there is zero flame spread with this coverall building and that anytime there is public there the liability would fall on the property owners. Mrs. DeCarli stated that the arena could hold up to 40 people. She stated that usually only students who are riding the horses will have access to the building.

**MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200615—RICK & DARYL DECARLI.**

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE #V200615— RICK & DARYL DECARLI.**

**HARDSHIP: ENGINEERING OF STRUCTURE REQUIRES IT TO BE HIGHER.**

**IV. UNFINISHED BUSINESS: NONE**

**V. NEW BUSINESS: NONE**

**VI. ADMINISTRATIVE BUSINESS:**

1. Receipt of #V200616—Gene & Sue Sheehan for a variance request for side yard setback for a shed at 75 Muddy Brook Road.

**BY CONSENSUS, THE COMMISSION RECEIVED #V200615—GENE & SUE SHEEHAN FOR A VARIANCE REQUEST FOR SIDE YARD SETBACK FOR A SHED AT 75 MUDDY BROOK ROAD.**

2. Approval of the June 5, 2006 Meeting Minutes

**MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED (B. PALOZEJ – ABSTAINED) TO APPROVE THE JUNE 5, 2006 MEETING MINUTES.**

3. Correspondence:
  - a. Notice of Violation to Shamrock Capital Investments Ltd. Partnership/Alan Friedman from Lisa Houlihan dated 6/2/06 (85 West Road)
  - b. Notice of Violation to Great March, LLC/Limberger Trailer Sales from Lisa Houlihan dated 6/6/06 (322 & 324 Somers Road)
  - c. Letter to Robert & LeAnn Sanville from Lisa Houlihan dated 6/6/06 (104 Webster Road)

**SO NOTED.**

**VII. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO ADJOURN  
THE MEETING AT 9:50 PM.**

Respectfully Submitted,

Kristin Michaud  
Recording Secretary